Message

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Sent: 1/29/2021 2:56:13 PM
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Subject: FW: WBUR: Hope And Skepticism As Biden Promises To Address Environmental Racism

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Subject: WBUR: Hope And Skepticism As Biden Promises To Address Environmental Racism

Hope And Skepticism As Biden Promises To Address Environmental Racism

03:50
[redacted]
January 29, 2021
Rebecca Hersher

Protestors attempt to block the delivery of toxic PCB waste to a landfill in Warren County, North Carolina, 1982. It was in response to the State's decision to locate a hazardous waste landfill in a low-income, predominantly Black area of Warren County that the term "environmental racism" was first used by Reverend Ben Chavis. (Jenny Labalme)

Devon Hall has lived most of his nearly seven decades in Duplin County, N.C. The land is flat and green there in the southeastern part of the state, about an hour's drive from the coast. It's lovely unless you live downwind of one of the county's many industrial hog farms.

"It can get really bad," says Hall, the co-founder of the Rural Empowerment Association for Community Help in Duplin County.

There are about two million hogs in the county, outnumbering residents by 29 to 1, and they produce a lot of waste. Because farmers spray the pig waste on fields as fertilizer, microscopic pieces of feces pollute the air and water. For decades, residents have complained that just breathing can make your eyes water and your throat itch, cause nausea and dizziness.

Hall worked with researchers in the early 2000s to study the health effects of farm pollution. Studies found that families living near hog farms have higher rates of infant mortality, kidney disease and respiratory illness. And in Duplin County, it is people of color who are disproportionately harmed.

"If you look at the maps," Hall says, "and you begin to look at where these facilities are located, it's pretty much in communities of color."

Across the country, disproportionate exposure to pollution threatens the health of people of color, from Gulf Coast towns in the shadow of petrochemical plants to Indigenous communities in the West that are surrounded by oil and gas operations. Generations of systemic racism routinely put factories, refineries, landfills and factory farms in Black, brown and poor communities, exposing their residents to far greater health risks from pollution than those in whiter, more affluent places.

The federal government has known of environmental injustice for decades. Presidents have promised to address it. But a legacy of weak laws and spotty enforcement has left Black, brown and poor communities mired in pollution and health hazards.

The federal government, for instance, has repeatedly acknowledged that hog farm pollution is dangerous, and that people of color get hit the hardest. But after studies and community meetings, lawsuits and federal programs meant to address environmental racism, Hall is as frustrated with the government as he is with the polluting companies.

"The community has been crying out for years, you know, petitioning EPA," he says, and yet the Environmental Protection Agency has not finalized a method to estimate air pollution from hog farms, let alone cracked down on that pollution. "Nothing changes," Hall says. "It's frustrating."

The Biden administration has pledged an aggressive, broad-based approach to achieving environmental justice. Among a raft of executive actions on the climate Biden signed on Wednesday, he created a new White House council on environmental justice, and pledged that 40% of the benefits from federal investments in clean energy and clean water would go to communities that bear disproportionate pollution.

There are other indications of the administration's willingness to address the environmental effects of systemic racism. Biden's nominee to run the EPA, Michael Regan, would be the first Black man to lead the agency, and top positions in

other agencies and within the White House are being filled by people who have spent their careers working on equitable climate and environment policies.

But academics, former federal officials and activists warn that the administration will need to rebuild the government's relationship with people living in communities where little has changed over the decades, and where the Trump administration's regulatory rollbacks, the pandemic and escalating climate-driven disasters have led to rising death tolls.

"Trust has been broken," says Mustafa Santiago Ali, who ran the Office of Environmental Justice at the Environmental Protection Agency under President Obama. "For communities, especially vulnerable communities, there have been so many broken promises over the years."

A long history

The federal government's role in responding to environmental racism makes sense when you consider that it created the problems in the first place.

"I think the concept of environmental justice goes way back way before the founding of the Republic, when you had the invasion of this hemisphere by the Europeans," says Quentin Pair, a professor at Howard University in Washington, D.C. who served for 35 years as a lead trial attorney on environmental cases at the Department of Justice, and led much of its work on environmental justice. "It always seems to be the people who suffer these indignities are people of color and the poor."

Pair draws a line from the early exploitation of Indigenous and Black people in North America to the modern movement for environmental justice, which began to gather strength in the mid-twentieth century with the broader civil rights movement in the U.S.

In February of 1968 Black sanitation workers of Memphis began a strike to demand better working conditions and higher pay. In this March 29, 1968, photo, striking workers march past Tennessee National Guard troops with fixed bayonets during a 20-block march to City Hall in Memphis, Tenn. (Charlie Kelly/AP)

One early example were the United Farmworkers demonstrations of the 1960s, which connected worker illness to pesticides. Around the same time, Black residents of Shaw, Miss., filed a civil rights lawsuit over the lack of adequate sewer service in their neighborhoods — a problem that still plagues many communities today. In the 1970s, a group of Native Hawai'ians launched protests against the U.S. military in an effort to reclaim and restore an island used for target practice, and residents of a majority-Black neighborhood in Houston successfully blocked construction of a landfill on civil rights grounds.

Meanwhile, changes within the federal government suggested that environmental racism might finally be addressed. The Civil Rights Act of 1964 prohibited discrimination in federal spending, and the Environmental Protection Agency was established in 1970. By the early 1980s, there was a growing environmental justice movement across the country. In 1982, large scale protests against a toxic dump planned for a majority-Black neighborhood in Warren County, N.C. grabbed national headlines after dozens of protesters were arrested. The dump was built despite the protests.

In the wake of the North Carolina protests, national civil rights groups began a decade-long effort to further document the effects of pollution on communities of color, and push the federal government to act. A flurry of studies and testimonies described how race was often the strongest predictor of proximity to toxic sites, and the inequitable way that environmental regulations are both created and enforced.

"Race is a major factor related to the presence of hazardous wastes in residential communities across the United States," wrote the authors of a landmark 1987 report by the United Church of Christ, which found that Black and Latinx Americans were significantly more likely to live near sources of toxic pollution. "We are releasing this report in the interests of the millions of people who live in potentially health-threatening situations."

Farm workers on strike marched 300-miles to the California state capitol in 1966 to demand safer working conditions. (Walter Zeboski/AP)

Those studies helped inform the 1994 executive order on environmental justice signed by President Bill Clinton. "The basic theory behind the executive order was to clearly identify those unprotected communities, to define what an environmental justice community was," says Gerald Torres, the deputy assistant attorney general for the Environment and Natural Resources Division of the U.S. Department of Justice during the Clinton administration, who helped write the order.

The order was a meaningful step, but it was limited, Torres says. It wasn't designed to fix pollution disparities on its own. For one thing, the order is not a law, so communities can't use it to fight pollution in court. Instead, the order was designed to push federal bodies like the Environmental Protection Agency and the Interior Department to think explicitly about the health of historically marginalized people as they created and enforced pollution and land use regulations.

The executive order required agencies to at least look for injustices, and come up with a plan to address them. "We did have a theory of change," Torres says. "It wasn't dramatic, like, 'Okay we're going to overturn every process, root and branch right now.' But if you don't look for something, you don't see it."

Incremental change

The 1994 executive order is the basis for virtually all federal action on environmental racism in the last 26 years, including the development of an Obama-era tool for identifying which communities might be most vulnerable to pollution. But almost three decades after it was signed, pollution disparities have barely budged..

A 2007 study found that low-income and minority populations were not benefiting proportionately from the federal government's largest toxic waste cleanup program. A 2014 study by a group of leading civil rights scholars examined the legacy of the executive order and found that, although the phrase "environmental justice" had gone from mainstream in the years since the Clinton order, many people living in polluted communities felt that the federal government's efforts were not serving them, despite renewed focus by the Obama administration.

When the city switched its water supply in 2014, residents of Flint — a majority-black city where 40 percent of people live in poverty — started complaining about the quality of the water. City and state officials denied that there was a serious problem for months. Left: Residents gather for lead poisoning testing in 2016. Right: Protesters on the steps of the Michigan State Capitol in 2018. (Brett Carlsen; Brittany Greeson/Getty Images)

"We made progress, but there have also been tremendous setbacks," says Suzi Ruhl, who served on the Federal Interagency Working Group on Environmental Justice during the Obama administration.

She says the Trump administration did enormous damage by backing off on enforcement of environmental regulations. That included approving oil and gas pipelines that run through Indigenous land despite opposition from residents, allowing the dangerous pesticide chlorpyrifos to remain on the market even though it can cause dizziness and nausea in farm workers who use it and neglecting the EPA's office of environmental justice.

But, she argues, it is not sufficient for the Biden administration to simply undo what happened under the Trump administration. She says the new president will need to go beyond what the Obama administration did to address environmental racism, including updating the Clinton executive order. President Biden appears to agree: the new environmental justice council he created on Wednesday has been tasked with looking for ways to update the Clinton executive order.

Ruhl says she hopes to see much more dramatic action from the administration in the near future, including money to help communities deal with the double whammy of the pandemic and chronic pollution.

"In a sans-COVID world, we could simply appreciate the emerging progress being made," to create the environmental justice council, she says. "But, that world does not exist. And the deaths in communities of color continue to escalate because there is still a disconnect about the real world, real time conditions in these communities."

Others feel that even an updated executive order would be too weak to reverse centuries of environmental racism and address climate change in ways that don't reinforce existing inequities. Researchers are already seeing evidence that federal disaster relief after climate-driven storms and access to solar electricity are following familiar lines that put people of color at a disadvantage and threaten their health.

Vehicles line a road near a blocked bridge next to the Oceti Sakowin camp where protesters gathered in Cannon Ball, N.D. Much of the Dakota Access pipeline project controversy has been a small portion running under the Missouri River. Members of the Standing Rock Sioux tribe, whose reservation lies just downstream, have worried that a leak could contaminate their drinking water and sacred lands. (David Goldman/AP)

Some legislators feel a new law could help reverse those trends. As a Senator, Kamala Harris sponsored legislation that would establish a legal demographic definition for low-income communities and communities of color, and allow those communities to sue the government over disproportionate pollution. "We're trying to deal with the systemic issues of racism and discrimination," says Congressman Raul Grijalva, who chairs the House committee on natural resources and is one of the bill's sponsors in the House.

Grijalva says it's important that communities be able to sue over environmental racism — something that an even an updated executive order would not enable. And, he says, a law would be more binding because future presidents couldn't unilaterally remove it.

For North Carolina environmental advocate Devon Hall, the most important things the new administration and Congress can do is listen to the concerns of the people who live in polluted places. "I think the EPA should spend some time in these communities," Hall says.

And, Hall says, those who want to use their power to address environmental racism should ask themselves two questions: "How do you give a voice to the voiceless? Who are you going to listen to, and for how long?"